

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

FILED  
CHARLOTTE, N. C.  
DEC 19 2005

U. S. DISTRICT COURT  
W. DIST. OF N. C.

W. WELLS VAN PELT, JR.,

Plaintiff,

v.

UBS FINANCIAL SERVICES INC.,


Defendant.

Case No.:  
05CV447-K

**DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION  
FOR CONFIRMATION OF ARBITRATION AWARD**

Defendant UBS Financial Services Inc. ("UBS"), in opposition to plaintiff's Motion for Confirmation of Arbitration Award, incorporates by reference as if set forth in full herein (1) UBS' Answer and the affirmative defenses contained therein; (2) the grounds set forth in UBS' Motion to Vacate; and (3) UBS' memorandum of law with exhibits, which will be filed in further support of its Motion to Vacate.

**WHEREFORE**, defendant UBS Financial Services Inc. prays that this Court will deny plaintiff's Motion for Confirmation of Arbitration Award.

  
George C. Covington  
William O. L. Hutchinson  
Erika A. Olson  
KENNEDY COVINGTON LOBDELL &  
HICKMAN, LLP  
Hearst Tower, 47<sup>th</sup> Floor  
214 N. Tryon Street  
Charlotte, North Carolina 28202  
Telephone: (704) 331-7400  
Facsimile: (704) 353-3132  
Attorneys for Defendant

2383376.01  
LIB: CHARLOTTE

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was this date served upon all known counsel of record by placing a copy of the same in the United States Mail, postage prepaid, and sent to their last known address as follows:

Andrew O. Whiteman  
Hartzell & Whiteman, L.L.P.  
2626 Glenwood Avenue, Suite 500  
Raleigh, North Carolina 27608

Sarah G. Anderson  
Clawson & Staubes, LLC  
126 Seven Farms Drive, Suite 200  
Charleston, South Carolina 29492-7595

Charles P. Murdter  
1050 Connecticut Avenue  
Suite 1000  
Washington, DC 20036

Charlotte, North Carolina, this 19<sup>th</sup> day of December, 2005.

  
\_\_\_\_\_  
William O. L. Hutchinson